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NOTICE OF PUBLIC HEARING

Pursuant to the authority of M.G.L. c. 118E and in accordance with M.G.L. c. 30A, a public hearing will be held on Monday, May 15, 2017, at 12:00 noon in the First Floor Conference Room, 100 Hancock Street, Quincy, MA relative to the adoption of:

101 CMR 350.00: Home Health Services

101 CMR 350.00 governs payment rates for home health services provided to publicly aided individuals by governmental units.

The proposed regulation 101 CMR 350.00 establishes the rates of payment for home health services provided by MassHealth providers and is in accordance with M.G.L. Chapter 118E, Section 13D, which requires EOHHS to establish rates for health care services to be paid by governmental units.

The proposed regulation contains the following revisions to rates for home health services.

1. An updated two-tiered rate structure for skilled nursing visits. The purpose of this change is to better align payment rates for home health skilled nursing visits with the efficient delivery of these services. The modified rate structure reflects the higher intensity of skilled nursing services provided in the first 30 calendar days of skilled nursing visits

The two-tier rate structure for skilled nursing visits includes the following two rate tiers:

- a. a higher rate of \$89.21 for the first 30 calendar days of service; and
- b. a lower rate of \$69.59 for visits on or after 31 calendar days.

Under the proposed two-tier rate structure, the higher 'post-acute' rate for skilled nursing services provided in the first 30 calendar days reflects a 2.6% cost adjustment factor (CAF) increase over the current 1-60 day nursing visit rate to reflect that visits in the first 30 calendar days tend to be more complex and time-sensitive than visits to established patients. The rate of \$69.59 represents an increase over the current rate of \$64.59 for visits on or after 61 calendar days, being applied to visits on or after 31 calendar days.

2. A new medication administration rate. The purpose of this new rate is to allow for more efficient payment for home health skilled nursing services provided for the limited purpose of medication administration. The proposed rate of \$59.14 is below the current UD modifier



rate of \$69.59 to reflect the shorter time required to conduct a skilled nursing visit for administering medication.

3. An updated rate for Continuous Skilled Nursing (CSN). This change will increase the rates for CSN services by 2.25%. This increase is in addition to the 2.6% increase that was recently added effective January 1, 2017.

The rates are being proposed with an effective date of July 14, 2017, to align with the concurrent promulgation of 130 CMR 403.000, the home health program regulations. There is no fiscal impact on cities and towns.

Individuals who notify EOHHS of their intent to testify at the hearing will be afforded an earlier opportunity to speak. Speakers may notify EOHHS of their intention to testify at the hearing by registering online at www.mass.gov/eohhs/gov/laws-regs/hhs/public-hearings.html. Individuals may also submit written testimony by e-mailing ehs-regulations@state.ma.us. Please submit electronic testimony as an attached Word document or as text within the body of the e-mail with the name of the regulation in the subject line. All submissions must include the sender's full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit testimony by e-mail should mail written testimony to EOHHS, c/o D. Briggs, 100 Hancock Street, 6th Floor, Quincy, MA 02171. Written testimony must be submitted by 5:00 p.m. on Monday, May 15, 2017.

All persons desiring to review the current draft of the proposed actions may go to www.mass.gov/eohhs/gov/laws-regs/hhs/public-hearings.html or request a copy in writing or in person from MassHealth Publications, 100 Hancock Street, 6th Floor, Quincy, MA 02171.

Special accommodation requests may be directed to the Disability Accommodations Ombudsman by e-mail at ADAAccommodations@state.ma.us or by phone at 617-847-3468 (TTY: 617-847-3788 for people who are deaf, hard of hearing, or speech disabled). Please allow two weeks to schedule sign language interpreters.

EOHHS may adopt a revised version of the proposed actions taking into account relevant comments and any other practical alternatives that come to its attention.

In case of inclement weather or other emergency, hearing cancellation announcements will be posted on the MassHealth website at www.mass.gov/masshealth.

April 21, 2017